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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/052,673	03/31/1998	RICHARD E. ANDERSON	11232	9401

7590 03/09/2012
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GARDEN CITY, NY 11530

EXAMINER

FOTAKIS, ARISTOCRATIS

ART UNIT	PAPER NUMBER
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2611

MAIL DATE	DELIVERY MODE
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03/09/2012

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/052,673	Applicant(s) ANDERSON, RICHARD E.	
	Examiner ARISTOCRATIS FOTAKIS	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/21/2012.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1-5, 7-10 and 13-15 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1-5, 7-10 and 13-15 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Response to Arguments

In view of the appeal brief filed on December 21, 2011, PROSECUTION IS HEREBY REOPENED. A new ground of rejection set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below in Page 8:

Claim Objections

Claims 1 – 2, 4 – 5, 8 – 10 and 14 – 15 are objected to because of the following informalities:

Claim 1 recites of “after the threshold condition occurs...” in line 11 could be changed to “ii) after the threshold condition occurs...”. Appropriate correction is required.

Claim 2 recites of “A method according to...” should be changed to “The method according to...”. Appropriate correction is required. Same changes should be applied to claims 4 – 5 and 8 – 10.

Claim 14 recite of “A system according to...” should be changed to “The system according to...”. Appropriate correction is required. Same changes should be applied to claim 15.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 5, 7 – 10 and 13 – 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Shiimoto et al (US 5,917,873).

Re claims 1 and 13, Shiimoto teaches of a method of synchronizing the frequency of a local clock of a digital data decoder with the frequency of a program clock, wherein the decoder includes clock adjustment hardware for adjusting the local clock frequency and a processor having a software program for adjusting the local clock frequency (Fig.11), the method comprising the steps of: determining the difference (#53, Fig.12) between the local (STC, Fig.12) and program clock frequencies (PCR, Fig.12) (Col 12, Lines 1 - 2), then adjusting the frequency at which the local clock oscillates so that said difference approaches zero (Col 12, Lines 30 - 35); including the steps of: i) using the clock adjustment hardware to adjust the local clock frequency until a threshold condition occurs (ST5, Col 15, Lines 15 – 45, Fig.14), and ii) after the threshold condition occurs, using the software program of the processor to adjust the local clock frequency (#52,#57, Fig.12).

Re claim 2, Shiimoto teaches of a method according to Claim 1, wherein the local clock oscillates at the local clock frequency, the method further comprising the steps of: maintaining a local clock value based on the oscillations of the local clock

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(stc(n) values, STC counter, #52, Fig.12); receiving program clock data at the decoder which specify the frequency of the program clock (#51, Fig.12); maintaining a program clock value based on the program clock signals data received at the decoder (pcr(n) values); determining if there is an absolute difference between the local clock value and the program clock value (Col 12, Lines 49 - 60); if there is an absolute difference between the local clock value and the program clock value, then adjusting the frequency at which the local clock oscillates so that said absolute difference approaches zero (Col 12, Lines 60 - 67 to Col 13, Lines 1 - 67) (Fig.14).

Re claims 3 and 7, Shiimoto teaches of a method of synchronizing the frequency of a local clock of a digital data decoder with the frequency of a program clock, wherein the local clock oscillates at a local clock frequency, the method comprising the steps of: determining the difference between the local and program clock frequencies, then adjusting the frequency at which the local clock oscillates so that said difference approaches zero; maintaining a local clock value based on the oscillations of the local clock; receiving program clock time stamps data at the decoder which specify program clock signals and the program clock frequency; maintaining a program clock value based on the program clock signals data received at the decoder; determining if there is an absolute difference between the local clock value and the program clock value; if there is an absolute difference between the local clock value and the program clock value, then adjusting the frequency at which the local clock oscillates so that said absolute difference approaches zero; wherein the decoder includes clock adjustment

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hardware for adjusting the local clock frequency and a processor having a software program for adjusting the local clock frequency, and wherein the step of adjusting the frequency of the local clock includes the steps of: using the hardware to adjust the local clock frequency until a threshold condition occurs; and after the threshold condition occurs, using the software program of the processor to adjust the local clock frequency (see rejection of claims 1 - 2).

Re claims 4 and 8, Shiimoto teaches of wherein the threshold condition is a function of the difference between the local clock value and the program clock value (ST5, Fig.14).

Re claims 5, 10 and 15, Shiimoto teaches of wherein the step of using the software program of the processor to adjust the local clock frequency includes the steps of: monitoring for the occurrence of the threshold condition (ST5, Fig.14); transmitting a signal to the processor when the threshold condition occurs (#56 and #57, Fig.12).

Re claim 9, Shiimoto teaches of wherein the processor is not used to adjust the local clock frequency until the threshold condition occurs (ST5, Fig.14).

Re claim 14 Shiimoto teaches of wherein the local clock has a local clock value (stc(n)) and the program clock has a program clock value (pcr(n)), and the threshold

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condition is a function of the difference between the local clock value and the program clock value (ST5, Fig.14).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ARISTOCRATIS FOTAKIS whose telephone number is (571)270-1206. The examiner can normally be reached on Monday - Friday 6:30 - 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh M. Fan can be reached on (571) 272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Aristocratis Fotakis/

Primary Examiner, Art Unit 2611

/CHIEH M FAN/

Supervisory Patent Examiner, Art Unit 2611